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**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN  
APPLICATION DATA SHEET (37 CFR 1.76)**

**Title of Invention** METHOD AND APPARATUS FOR DETERMINING TISSUE VIABILITY

As the below named inventor(s), I/we declare that:

This declaration is directed to:

- ☐ The attached application, or  
☒ Application No. PCT/IL2003/000533, filed on June 25, 2003,  
☒ as amended on the IPER annexes & Herewith (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/ we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

**FULL NAME OF INVENTOR(S)**

Inventor one: Benny PESACH

Signature: \_\_\_\_\_ Citizen of: Israel

Inventor two: Michal BALBERG

Signature: \_\_\_\_\_ Citizen of: Israel

Inventor three: \_\_\_\_\_

Signature: \_\_\_\_\_ Citizen of: \_\_\_\_\_

Inventor four: \_\_\_\_\_

Signature: \_\_\_\_\_ Citizen of: \_\_\_\_\_

☐ Additional inventors or a legal representative are being named \_\_\_\_\_ additional form(s) attached hereto.

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 minute to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT: Benny PESACH, et al.  
APPLICATION NO: 10/519,024  
FILED: December 22, 2004  
ENTITLED: Method and Apparatus for Determining Tissue Viability  
ASSIGNEE: Glucon Inc.  
TYPE OF ASSIGNEE: A Corporation

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT UNDER 37 C.F.R. §3.73(b)**

Sir:

The undersigned hereby state that it is the assignee of the entire right, title, and interest in the patent application identified above by virtue of an assignment from the inventor(s) of the patent application identified above.

A copy of an assignment is attached hereto.

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Respectfully submitted,

Benny Pesach  
Benny PESACH, Vice President, R&D

June 28 2005  
Date

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227/03621

ASSIGNMENT

In consideration of the sum of one dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged,

Benny PESACH, 18 Shir Hashirim Street, Rosh-Ha'ayin 48072, Israel, ID No. 02276006-0; and

Michal BALBERG, 19 Nof Harim Street, Jerusalem 96190, Israel, ID No. 23852916

(hereinafter called the "Assignor") hereby sells, assigns and transfers to

Glucon Inc., 1013 Centre Road, Wilmington, County of New Castle, Delaware 19805, USA, a company incorporated under the laws of the State of Delaware

(hereinafter called the "Assignee"), its successors, assigns, nominees or other legal representatives, their entire right, title and interest in and to the invention(s) titled

**Method and Apparatus for Determining Tissue Viability**

described and claimed in

PCT Application No. PCT/IL03/00533 filed on June 25, 2003

and in and to said Patent Application and all patent applications derived therefrom, and all original and reissued patents granted therefor, and any and all national phases, continuations and divisions thereof, including, but not limited to, any and all extensions, reexaminations, substitutes and renewals, and including the right to apply for and obtain patents in the US, Canada and all other countries, the priority rights under International Conventions, and any and all Letters Patent which may be granted thereon; all rights to collect and retain all royalties and other considerations arising from said patent applications; and all rights to sue for past, present and future infringement; and the right to collect and retain all damages collected or awarded thereunder;

Said Assignor warrants that he has the full right to convey the entire interest herein assigned, and that he has not executed and will not execute any agreement in conflict herewith;

Said Assignor authorizes and requests any Official of any country whose duty it is to issue patents on applications as aforesaid, to issue said Letters Patent to said Assignee, its successors, assigns, nominees or other legal representatives, for the sole use and benefit of said Assignee, its successors, assigns, nominees or other legal representatives; and

Said Assignor agrees to sign all lawful papers, make all rightful oaths, do all lawful acts requisite for such patent applications, and do everything possible to aid said Assignee, its successors, assigns, nominees or other legal representatives, to apply for, obtain and enforce patent protection for said invention(s).

Signed (mo/day/yr) 07/23/03 at (city) Petach-Tikva by Benny Pesach  
Benny PESACH

Witness Moshe Ben-David

Signed (mo/day/yr) 07/23/03 at (city) Petach Tikva by Michal Balberg  
Michal BALBERG

Witness Moshe Ben-David

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